

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA,)
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)
)
v.) CRIMINAL ACTION
)
) NO. 04-10288-RWZ
CARLOS ESPINOLA, ET AL)
Defendants,)
)
)

STATUS REPORT
January 31, 2005

SWARTWOOD, M.J.

The following is a Status Report to Zobel, J. to whom this case is assigned:

1. Rule 11 Hearing

Counsel for Keith Behsman and the Government have requested that this case, as to Mr. Behsman, be returned to Judge Zobel for a Rule 11 hearing. I have granted that request.

2. Discovery

The remaining Defendants are involved in various stages of discovery. Some Defendants have filed written requests for further discovery with the Government and the Government shall respond to those requests by February 11, 2005. Thereafter, if the discovery disputes are not resolved in accordance with Local Rule 116, then Defendants may file a consolidated motion for discovery by March 4,

2005.¹ The Government shall file its opposition to Defendants' consolidated motion for discovery by March 18, 2005.

3. Further Status Conference

A further status conference shall be held in this case on April 13, 2005, at 2:00 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

4. Excludable Time

I am excluding from the Speedy Trial Act, the period from January 27, 2005 (date of expiration of prior order of excludable time) through March 18, 2005 (date by which the Government is to file its opposition to Defendants' consolidated motion for discovery). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Friday, May 27, 2005.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE

¹ Counsel for all Defendants shall confer for the purpose opf filing a consolidated motion on behalf of all Defendants. If a Defendant or Defendants seek to file individual discovery and/or discovery-related motions, counsel for that Defendant must also file a timely motion for leave to file such individual motions, stating the grounds for such request. If counsel does not show good cause for filing individual motions, that request will be denied and any individual motions filed by such Defendant will be returned.